

**Task Force on Services Contracting  
Removing Federal Services Acquisition Barriers And Balancing  
Public and Private Interest**

Presentation to Defense Acquisition  
Excellence Council (on behalf of CSA)  
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# Services Working Group Charter

Contract Services Association (CSA) in counsel with agency officials created the opportunity for this Task Force recognizing that *the procurement of Services now exceeds Products within the federal government*

## *The Charter*

*Review legislation and regulations relative to services to assure the government has full and balanced access to all service categories*

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*What regulations are obsolete,*

*What currently works*

*What barriers exist*

Four Working Groups formed: Categories of Services Working Group; Acquisition Management and Planning (PBSA); Multi agency and Schedules Vehicles; and Part 37

# Task Force Components

- Some of the work of the Task Force was built on the ongoing efforts of various industry coalitions (such as Acquisition Reform Working Group)
- In addition to the leadership of the Contract Services Association, the Task Force consisted of representatives from the Professional Services Council, the National Defense Industrial Association, and the Information Technology Association of America; dozens of volunteers from individual companies and law firms. The Task Force also included representatives from the Air Force, ACA, and the Defense Acquisition University.

# Objectives and Focus

- **Clean slate approach**
  - ✓ Identify issues and concerns
  - ✓ Differentiate legislative vs. regulatory actions
- **What “Could” vs. What “Should”**
  - ✓ For example, Services vs. PBSA
- **Underlying FAR principles convey**
  - ✓ Acquisition Planning and methodologies apply to services
- **“Systems thinking” can be applied**

**Protecting government’s interest - It is the public’s money!**

# **“Services” As Defined by the Task Force**

**Any "thing", "class of procurement", that is not manufactured or does not require manufacturing, i.e. a service is not a tangible product, even though the service it self may produce some tangible outcome or output."**

***However, the Task Force decided there was no a need to bring this definition into the FAR***

# Issues

- **Focus on technique - not requirement**
  - ✓ ID/IQs are now the norm
  - ✓ Focus on PBSA tends to concentrate on “how” – the technique and not “what” – the requirement
  - ✓ PBSA is a procurement method
- **Service or Services require same planning and project management discipline as hardware**
- **Overlapping issues and concerns among groups**
  - ✓ Price reasonableness, competition, small business concerns

# Recommendations

The Task Force considered barriers in commercial items acquisition. In developing recommendation it was clear some would require legislative as well as regulatory change

## Legislative

- Commercial Items – Revise commercial services definition (and focus on price reasonableness)
- Time and Material contracting – clarify conditions for use in commercial-type contracting
- Advisory and Assistant Services – amend performance period to align with Task Order contracting rules

# Recommendations

- **Issue a questionnaire to services sector**
  - ✓ Task Force questionnaire received limited response
- **“Performance Based” is a tool or technique-*not the end result***
  - ✓ Federal agencies could disseminate the “Benefits to Both Parties” prepared by the Task Force
- **More focus on “services” through-out the FAR**
  - ✓ Changes to the FAR Part 7, Acquisition Plan format to better incorporate services issues
  - ✓ Acquisition Planning could more clearly be required for FAR Part 8, 12 and 13 procurements
  - ✓ Changes to FAR Part 15 to better incorporate services
- **Education and Training**
  - ✓ Better integration of requirements and contract domains
  - ✓ Culture Change is a challenge
  - ✓ Contracts cannot correct or fix poor requirement definitions



# Recommendations

Contracting through the Federal Supply Schedules (FSS) managed by the General Services Administration (GSA) remains an extremely desirable and productive approach for fulfilling Federal agency requirements.

The Working group fully supported the principals of the  
“Get it Right” Campaign

From this perspective, the working group developed a number of recommendations intended to improve the utility of Schedule contracts by providing increased transparency

# Recommendations

- FAR Part 37 thoroughly examined
- Not necessary to identify specific services
- More focus on small business and applicability of Part 19 to service acquisitions
- All of Part 37 could reasonably be moved to other FAR sections
- Additional analysis and investigation to re-align FAR Part 37 elsewhere in the FAR

# Conclusion

**The Realities that Services Acquisitions now Dominate Federal Discretionary Spending would Suggest that the Legislation and the FAR be revised to assure the guidance is balanced protecting both public and private interest and that the Federal Government has full and free access to all Commercial Items and Services**

- **Legislative corrections identified**
- **Additional regulatory changes may still be needed**